

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 475*

House Bill No. 797

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 16-15-5001, is amended by deleting subsections (b), (c), and (d) and substituting instead the following:

(b) The class into which a county falls shall be determined by the 1990 federal census and any subsequent federal census or any special census conducted by the department of economic and community development.

(c)(1) For the purpose of determining the compensation of a general sessions judge who presides over a consolidated general sessions court consisting of two (2) or more counties as, the populations of all counties served by the court shall be added together, and the resultant sum shall be increased to the next higher classification for the purpose of determining the class of counties in accordance with subsection (a).

(2) Each county served by a consolidated general sessions court shall pay its proportional share of the compensation of the judge or judges of the consolidated court based on a ratio established by using the population of the county according to the latest available census compared to the population of the counties comprising the consolidated general sessions court using the latest available census.

(3) For the purposes of this subsection (c) only, the compensation of such judge shall be based on what a judge of the next higher classification is to receive on September 1, 1998.

(d)(1) If a county is in one (1) class as provided in this section on September 1 of the year in which a judge is elected to office, and after such date such county moves into

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a lower class on the basis of a subsequent federal census, the salary of such judge shall not be diminished during the time for which such judge was elected.

(2) If a county is in one (1) class as provided in this section on September 1, of the year in which a judge is elected to office and after such date, such county moves into another class on the basis of a subsequent census, the salary of such judge shall be determined by the higher classification for the remainder of the term for which the judge was elected.

SECTION 2. Tennessee Code Annotated, Section 16-15-5003, is amended by adding the following new subsections:

(i)(1) Effective September 1, 1998, the annual salary for a general sessions court judge shall be increased over the annual compensation and supplements and annual adjustments which each judge actually received as of August 31, 1998, by the lesser of:

(A) Ten thousand dollars (\$10,000); or

(B) Twenty percent (20%) of such annual compensation and supplements and annual adjustments as of August 31, 1998.

(2) Notwithstanding any other provision of law to the contrary, each full-time general sessions court judge in a county shall receive the same compensation as the most highly compensated general sessions court judge in that county if such judges have the same jurisdiction.

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(3) Instead of the annual adjustments authorized in subsection (f), on July 1, 1999, and each succeeding July 1, the base salaries as adjusted annually and supplements as adjusted annually established by this section shall be adjusted in accordance with the provisions of Tennessee Code Annotated, Section 8-23-103.

(4)(A) The compensation, supplement and annual adjustment provisions of this section are to be construed as minimum levels. The compensation schedule established by this part is a comprehensive plan, and no salary supplement in excess of the supplements provided by this part shall be available to a general sessions judge unless expressly provided and funded by a private act.

(B) Notwithstanding any provision of law to the contrary, a judge of a court of general sessions may not be paid compensation based on both this part and the compensation provisions in a private act.

(j) Notwithstanding any provision of law or this part to the contrary, no judge of a general sessions court shall be paid a salary which is greater than the salary paid to a judge of a circuit court.

SECTION 3. The comptroller of the treasury shall conduct a study of judicial compensation and determine the disparities between judicial compensation and compensation of other state employees which may have been created by escalators applied to judicial salaries. The findings of the study shall be reported to the Senate and House Finance, Ways and Means Committees. The budget subcommittee of the House

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Finance, Ways and Means Committee shall conduct at least one (1) hearing on the findings of the comptroller's study and make recommendations accordingly.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect September 1, 1998, the public welfare requiring it.

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